

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

FRANK L. RIZZO MONUMENT	:	
COMMITTEE,	:	
<i>Plaintiff,</i>	:	
v.	:	CIVIL ACTION
CITY OF PHILADELPHIA and MAYOR	:	NO. 20-3245
JAMES KENNEY,	:	
<i>Defendants.</i>	:	

ORDER

AND NOW, this 12th day of January, 2022, upon consideration of Defendants' Motion to Dismiss Plaintiff's Complaint pursuant to Federal Rule of Civil Procedure 12(b)(6) (ECF No. 6), and Plaintiff's Response in Opposition to Defendants' Motion (ECF No. 7), and for the reasons stated in the Court's accompanying Memorandum, it is hereby **ORDERED** that Defendants' Motion is **GRANTED IN PART**, and the claim set forth in Count III of Plaintiff's Complaint is **DISMISSED**. It is **FURTHER ORDERED** that this matter shall be **REMANDED** to the Philadelphia County Court of Common Pleas.

BY THE COURT:

/s/ C. Darnell Jones, II
C. Darnell Jones, II J.